

# Exhibit 35

**From:** Caryn Devins [caryn.devins@hotmail.com]  
**Sent:** 8/6/2018 9:21:07 AM  
**To:** Nancy Dunham [Nancy\_Dunham@ao.uscourts.gov]  
**Subject:** Re: Tony follow up

Nancy,

I had a good phone call with Laura yesterday and she gave me some useful thoughts and suggestions for how we may proceed. If you have time I think a phone call today or tomorrow would be very helpful.

In the meantime, I have attached copies of my offer letter and a related email. I have also attached some communications from the first assistant, including an email saying he would raise my pay if I stayed in Charlotte and a text message he sent me when he waited for me in the lobby one evening when I had already said no to a ride and he knew I was alone.

Finally, I have attached an organizational chart from December 2017 and one that just came out in the new personnel manual (in which they did not use my married name despite my having given formal notice of the name change to hr). The first assistant has been elevated to a role just below the federal defender and in a direct supervisory role to the research and writing attorney to whom I am now a subordinate.

I look forward to talking again soon.

Caryn

Ps the images will come in separate emails as pictures from my cell phone. My apologies but it's difficult trying to do this on my iPhone.

Sent from my iPhone

On Aug 3, 2018, at 3:48 PM, Nancy Dunham <[Nancy\\_Dunham@ao.uscourts.gov](mailto:Nancy_Dunham@ao.uscourts.gov)> wrote:

Hi Caryn,

Please give me a call today if you can — 202-502-3081. Thank you.

Nancy

**From:** Caryn Devins <[caryn.devins@hotmail.com](mailto:caryn.devins@hotmail.com)>  
**Sent:** Wednesday, August 01, 2018 1:08 PM  
**To:** Nancy Dunham <[Nancy\\_Dunham@ao.uscourts.gov](mailto:Nancy_Dunham@ao.uscourts.gov)>  
**Subject:** Re: Tony follow up

Dear Nancy,

Thanks for your response, it is very helpful. I will definitely be available for a call Friday or anytime you are available, just let me know when works for you.



Best regards,

Caryn

**From:** Nancy Dunham <[Nancy\\_Dunham@ao.uscourts.gov](mailto:Nancy_Dunham@ao.uscourts.gov)>  
**Sent:** Wednesday, August 1, 2018 11:02:22 AM  
**To:** Caryn Devins  
**Subject:** RE: Tony follow up

Caryn,

Please keep yourself safe—including working in an open area closer to other people. Laura was to return from Florida on Sunday, so she should be available. I would like to set up a call with you, perhaps on Friday. I will let you know.

I hope you had some relaxing time away.

Nancy

**From:** Caryn Devins <[caryn.devins@hotmail.com](mailto:caryn.devins@hotmail.com)>  
**Sent:** Wednesday, August 01, 2018 11:12 AM  
**To:** Nancy Dunham <[Nancy\\_Dunham@ao.uscourts.gov](mailto:Nancy_Dunham@ao.uscourts.gov)>  
**Subject:** Re: Tony follow up

Hi Nancy,

I have to return to work tomorrow and will be in court, and was wondering if there was anything I should be aware of or try to avoid once I return to the office. In particular, the co-worker with whom I share my work space is leaving and his last day is Friday, and I'm concerned about working in an isolated part of the building. I'm currently thinking about moving to a more open cubicle area closer to other co-workers, but I'm open to other recommendations based on your experience.

I've reached out to a firm and am trying to schedule a consultation, but it seems like it may take some time to get the right person. I also plan on talking to Laura again soon but I want to make sure she is back from vacation.

I thought I would touch base via email but please feel free to let me know if it would be easier to talk over the phone. Thanks so much for your help.

Thanks,

Caryn

Sent from my iPhone

On Jul 27, 2018, at 2:29 PM, Nancy Dunham <[Nancy\\_Dunham@ao.uscourts.gov](mailto:Nancy_Dunham@ao.uscourts.gov)> wrote:

Thank you for keeping me updated.

**From:** Caryn Devins <[caryn.devins@hotmail.com](mailto:caryn.devins@hotmail.com)>  
**Sent:** Friday, July 27, 2018 2:10 PM  
**To:** Nancy Dunham <[Nancy\\_Dunham@ao.uscourts.gov](mailto:Nancy_Dunham@ao.uscourts.gov)>  
**Subject:** Re: Tony follow up



Hi Nancy,

I just spoke with the appellate chief (josh). He stated that the position was listed as an afd to invite a larger applicant pool that might be more "attracted" to the label. I asked him what he would suggest for me. There was a long pause, and he asked what do you mean, and I said, I mean about the position .

He said that I basically "already" have the position they are hiring for and that I don't "need" to apply. He said that because I am "lower" on the experience scale, that being an r&w is financially better than being an afd and that only after 10-15 years experience does it make sense to move to an afd. He said a lot of this is based on bureaucracy and changing distinctions between r&w and afd. He said that substantively, I am already doing the work of the position so I don't need to apply.

He then said I did a great job on the appeal I just finished drafting and that if the court grants argument, I might be the one arguing it.

Obviously, this hasn't gone as I hoped. I am hoping to talk to Laura soon about specific advice what to do next, but I just wanted to keep you posted.

Caryn

Sent from my iPhone

On Jul 26, 2018, at 1:54 PM, Nancy Dunham <[Nancy\\_Dunham@ao.uscourts.gov](mailto:Nancy_Dunham@ao.uscourts.gov)> wrote:

This may be intended as a "fix" with you in mind, but I do not think it is possible to know that. I do see that he is quick to veer away from a commitment he made to you. Let's proceed as discussed yesterday. NJD

Get [Outlook for iOS](#)

---

**From:** Caryn Devins <[caryn.devins@hotmail.com](mailto:caryn.devins@hotmail.com)>

**Sent:** Thursday, July 26, 2018 11:12 AM

**To:** Nancy Dunham

**Subject:** Re: Tony follow up

Nancy,

I realized that it might be helpful to provide you with a little more detail regarding this situation, and have expanded on the last email I wrote. Please see below:

Dear Nancy,

To recap, on Tuesday, Tony told me in a phone call that it "just dawned on him" that it was a problem to put me under JP as my supervisor and that following my earlier meeting with him, it had been his intention to separate me from JP. He said he had so many meetings on Friday and he was "just exhausted" and the group just made a decision, but it was not his conscious intent to assign me to JP's team. He said he was going to Asheville that day to "figure it out." He said he would issue new team assignments and send out an email that day.

I followed up with him immediately and sent him a text saying I would like to review anything he sends before he sends it out, because I am concerned about it coming back to me. He said he had thought of that and would allow me to review it.

I did not hear anything until this morning. Tony texted me and said he is sending out an email "right now" that mentions a new appellate posting and that all R&W assignments will go to Jared, who will distribute them to me. The email includes a job announcement for an appellate AFD position in Charlotte, which I presume will be posted publicly. Interestingly, an "internal posting" for an assistant paralegal position (i.e., the assistant that JP wanted to promote to paralegal) went out to the office yesterday.

Tony's email also states that all assignments will go to Jared (the other r&w) and he will distribute the assignments to me. This is curious to me because I have always been treated as an equal with the other R&Ws, and no one has ever communicated to me directly or indirectly that Jared was ever above me or responsible for distributing assignments to me. Multiple people, including myself, had suggested to Tony that R&W assignments should go to both me and Jared and we can assign amongst ourselves, so I was surprised to hear he had made that choice.

One other thing I will note is that the posting was created July 25, 2018 (yesterday) but no one has reached out to me or encouraged me to apply for the position. The way Tony's email is written, it seems to contemplate hiring an outside person.

I have attached a PDF of Tony's email to the office and the appellate AFD job posting. His texts are below. Whenever you get a chance, I would like to know your thoughts on what you think I should do next.

Thanks,

Caryn

---

**From:** Caryn Devins <[caryn.devins@hotmail.com](mailto:caryn.devins@hotmail.com)>  
**Sent:** Thursday, July 26, 2018 9:08:49 AM  
**To:** [nancy\\_dunham@ao.uscourts.gov](mailto:nancy_dunham@ao.uscourts.gov)  
**Subject:** Tony follow up

Dear Nancy,

I am following up on a VM I just left you. On Tuesday, Tony told me that it "just dawned on him" that it was a problem to put me under JP as my supervisor. He said he was going to Asheville that day to "figure it out." He said he would issue new team assignments and send out an email that day.

I followed up with him and said I would like to review anything he sends before he sends it out, because I am concerned about it coming back to me. He said he had thought of that and would allow me to review it.

I did not hear anything until this morning. Tony texted me and said he is sending out an email "right now" that mentions a new appellate posting and that all R&W assignments will go to Jared, who will distribute them to

me. The email includes a job announcement for an appellate AFD position in Charlotte, which I presume will be posted publicly. Interestingly, an "internal posting" for an assistant paralegal position (i.e., the assistant that JP wanted to promote to paralegal) was posted yesterday.

I have attached a PDF of Tony's email to the office and the appellate AFD job posting. I would like to know your thoughts on the next steps.

Thanks,

Caryn

<IMG\_9788.jpg>

<image001.jpg>

--

Cooper